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**U.S. District Court  
Eastern District of New York (Brooklyn)  
CIVIL DOCKET FOR CASE #: 1:17-cv-03329-RRM-RLM**

Cox v. Department of Justice et al  
Assigned to: Judge Roslynn R. Mauskopf  
Referred to: Chief Mag. Judge Roanne L. Mann  
Cause: 05:552 Freedom of Information Act

Date Filed: 06/02/2017  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Douglas Cox**

represented by **Douglas Craig Cox**  
CUNY School of Law  
2 Court Square  
Long Island City, NY 11101  
718-340-4241  
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*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Department of Justice**

represented by **Amy Powell**  
DOJ/Civil Division  
310 New Bern Avenue  
Suite 800  
Raleigh, NC 27601  
919-856-4013  
Email: amy.powell@usdoj.gov  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Federal Bureau of Investigation (FBI)**

represented by **Amy Powell**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Department of Defense**

represented by **Amy Powell**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Office of the Director of National Intelligence**

represented by **Amy Powell**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

Date Filed	#	Docket Text
06/02/2017	<a href="#"><u>1</u></a>	COMPLAINT against All Defendants filing fee \$ 400, receipt number 0207-9575279 Was the Disclosure Statement on Civil Cover Sheet completed -YES,, filed by Douglas Cox. (Attachments: # <a href="#"><u>1</u></a> Civil Cover Sheet, # <a href="#"><u>2</u></a> Proposed Summons, # <a href="#"><u>3</u></a> Proposed Summons, # <a href="#"><u>4</u></a> Proposed Summons, # <a href="#"><u>5</u></a> Proposed Summons, # <a href="#"><u>6</u></a> Proposed Summons) (Cox, Douglas) (Entered: 06/02/2017)
06/02/2017		Case assigned to Judge Roslynn R. Mauskopf and Chief Mag. Judge Roanne L. Mann. Please download and review the Individual Practices of the assigned Judges, located on our <a href="#">website</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Bowens, Priscilla) (Entered: 06/07/2017)
06/02/2017	<a href="#"><u>2</u></a>	Summons Issued as to All Defendants, U.S. Attorney and U.S. Attorney General (Bowens, Priscilla) (Entered: 06/07/2017)
06/07/2017	<a href="#"><u>3</u></a>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <b>if</b> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically <b>only if all</b> parties wish to consent. The form may also be accessed at the following link: <a href="http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf">http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf</a> . <b>You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent.</b> (Bowens, Priscilla) (Entered: 06/07/2017)
06/07/2017	<a href="#"><u>4</u></a>	This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made, if any. (Bowens, Priscilla) (Entered: 06/07/2017)
07/05/2017	<a href="#"><u>5</u></a>	SUMMONS Returned Executed by Douglas Cox. Department of Justice served on 6/12/2017, answer due 8/11/2017. (Cox, Douglas) (Entered: 07/05/2017)
07/05/2017	<a href="#"><u>6</u></a>	SUMMONS Returned Executed by Douglas Cox. Federal Bureau of Investigation (FBI) served on 6/12/2017, answer due 8/11/2017. (Cox, Douglas) (Entered: 07/05/2017)
07/05/2017	<a href="#"><u>7</u></a>	SUMMONS Returned Executed by Douglas Cox. Department of Defense served on 6/12/2017, answer due 8/11/2017. (Cox, Douglas) (Entered: 07/05/2017)
07/05/2017	<a href="#"><u>8</u></a>	SUMMONS Returned Executed by Douglas Cox. Office of the Director of National Intelligence served on 6/12/2017, answer due 8/11/2017. (Cox, Douglas) (Entered: 07/05/2017)
07/05/2017	<a href="#"><u>9</u></a>	SUMMONS Returned Executed by Douglas Cox. Department of State of the United States served on 6/15/2017, answer due 8/14/2017. (Cox, Douglas) (Entered: 07/05/2017)
07/10/2017	<a href="#"><u>10</u></a>	ANSWER to <a href="#"><u>1</u></a> Complaint, by All Defendants. (Powell, Amy) (Entered: 07/10/2017)
07/11/2017	<a href="#"><u>11</u></a>	SCHEDULING ORDER: Initial Conference is set for 8/18/2017 @ 2:30 p.m. in Courtroom 13C South before Chief Mag. Judge Roanne L. Mann. <b>SEE ATTACHED MANDATORY REQUIREMENTS FOR CONFERENCE.</b> ***NOTE: bring the required number of copies of the completed initial conference questionnaire to the conference. Ordered by Chief Mag. Judge Roanne L. Mann on 7/11/2017. (Kelson, Lise) (Entered: 07/11/2017)
07/31/2017	<a href="#"><u>12</u></a>	AMENDED COMPLAINT against All Defendants, filed by Douglas Cox. (Attachments: # <a href="#"><u>1</u></a> Exhibit A, # <a href="#"><u>2</u></a> Exhibit B, # <a href="#"><u>3</u></a> Exhibit C, # <a href="#"><u>4</u></a> Exhibit D, # <a href="#"><u>5</u></a> Exhibit E, # <a href="#"><u>6</u></a> Exhibit F, # <a href="#"><u>7</u></a> Exhibit G) (Cox, Douglas) (Entered: 07/31/2017)
08/11/2017	<a href="#"><u>13</u></a>	Joint MOTION to Continue <i>Initial Conference</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Powell, Amy) (Entered: 08/11/2017)
08/11/2017	<a href="#"><u>14</u></a>	Consent MOTION for Extension of Time to File Answer re <a href="#"><u>12</u></a> Amended Complaint by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Powell, Amy) (Entered: 08/11/2017)

08/11/2017		ELECTRONIC ORDER granting <a href="#">13</a> Motion to Continue. The August 18th initial conference is adjourned sine die. A joint status report is due by September 8, 2017. Ordered by Chief Mag. Judge Roanne L. Mann on 8/11/2017. (Kelson, Lise) Modified on 8/11/2017 added full ruling text(Kelson, Lise). (Entered: 08/11/2017)
08/11/2017		ELECTRONIC ORDER granting <a href="#">14</a> Motion for Extension of Time to Answer All Defendants. Ordered by Chief Mag. Judge Roanne L. Mann on 8/11/2017. (Kelson, Lise) (Entered: 08/11/2017)
08/18/2017	<a href="#">15</a>	ANSWER to <a href="#">12</a> Amended Complaint by All Defendants. (Powell, Amy) (Entered: 08/18/2017)
09/06/2017	<a href="#">16</a>	NOTICE of Change of Address by Amy Powell (Powell, Amy) (Entered: 09/06/2017)
09/08/2017	<a href="#">17</a>	STATUS REPORT , <i>filed jointly</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence (Powell, Amy) (Entered: 09/08/2017)
09/11/2017		ORDER re <a href="#">17</a> . The State Department will file a report by <b>October 6, 2017</b> , estimating the total time for processing plaintiff's FDIA request. A joint status report and proposal schedule for further proceedings is due by <b>January 12, 2018</b> . Ordered by Chief Mag. Judge Roanne L. Mann on 9/11/2017. (Godoy-Dalmau, Gabriel) (Entered: 09/11/2017)
10/06/2017	<a href="#">18</a>	STATUS REPORT , <i>filed jointly</i> by Department of State of the United States (Powell, Amy) (Entered: 10/06/2017)
10/10/2017		ELECTRONIC SCHEDULING ORDER: re <a href="#">18</a> Status Report filed by Department of State of the United States. The Court adheres to its deadline of January 18, 2018, for the filing of a joint updated status report and proposed schedule for further proceedings. Ordered by Chief Mag. Judge Roanne L. Mann on 10/10/2017. (Kelson, Lise) (Entered: 10/10/2017)
12/18/2017	<a href="#">19</a>	Consent MOTION for Extension of Time to File <i>Status Report and Complete Processing of Responsive Documents Subject to FOIA</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Powell, Amy) (Entered: 12/18/2017)
12/18/2017		ELECTRONIC ORDER granting <a href="#">19</a> Motion for Extension of Time to File. The defense request to extend the existing deadlines is granted, on consent. The joint status report (with a proposed schedule for further proceedings) is now due by April 6, 2018. Ordered by Chief Mag. Judge Roanne L. Mann on 12/18/2017. (Proujansky, Josh) (Entered: 12/18/2017)
04/06/2018	<a href="#">20</a>	STATUS REPORT <i>filed jointly by the plaintiff and defendants</i> by Douglas Cox (Cox, Douglas) (Entered: 04/06/2018)
04/06/2018		ELECTRONIC STATUS REPORT ORDER. A further updated joint status report is due by May 11, 2018. Ordered by Chief Mag. Judge Roanne L. Mann on 4/6/2018. (Kelson, Lise) (Entered: 04/06/2018)
05/11/2018	<a href="#">21</a>	STATUS REPORT <i>filed jointly by the plaintiff and defendants</i> by Douglas Cox (Cox, Douglas) (Entered: 05/11/2018)
05/14/2018		STATUS REPORT ORDER. A further updated joint Status Report is due by 6/12/2018. Ordered by Chief Mag. Judge Roanne L. Mann on 5/14/2018. (Kelson, Lise) (Entered: 05/14/2018)
06/12/2018	<a href="#">22</a>	STATUS REPORT <i>filed jointly by the plaintiff and defendants</i> by Douglas Cox (Cox, Douglas) (Entered: 06/12/2018)
07/13/2018	<a href="#">23</a>	STATUS REPORT <i>filed jointly by the plaintiff and defendants</i> by Douglas Cox (Cox, Douglas) (Entered: 07/13/2018)
07/16/2018	<a href="#">24</a>	Minute Entry for proceedings held before Chief Mag. Judge Roanne L. Mann: Telephone Conference held on 7/16/2018. In response to the parties' joint status report of July 13, (DE #23), the Court conducts a telephone conference regarding plaintiff's desire to amend his complaint. <a href="#">See attached Minute Entry</a> . (Kelson, Lise) (Entered: 07/16/2018)
08/03/2018	<a href="#">25</a>	STATUS REPORT , <i>jointly filed</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence (Powell, Amy) (Entered: 08/03/2018)

08/07/2018	<a href="#">26</a>	AMENDED COMPLAINT <i>Second</i> against All Defendants, filed by Douglas Cox. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F, # <a href="#">7</a> Exhibit G, # <a href="#">8</a> Exhibit H) (Cox, Douglas) (Entered: 08/07/2018)
08/07/2018	<a href="#">27</a>	STATUS REPORT <i>filed jointly by the plaintiff and defendants</i> by Douglas Cox (Cox, Douglas) Modified on 8/8/2018 (Kelson, Lise). (Entered: 08/07/2018)
08/08/2018		ORDER granting <a href="#">27</a> Motion for Extension of Time to Answer. All Defendants. Defendants' answer to the Amended Complaint is due by September 7, 2018. By September 21, 2018, the parties shall file a joint proposed schedule (docketed as a motion event into the ECF court file). Ordered by Chief Mag. Judge Roanne L. Mann on 8/8/2018. (Kelson, Lise) Modified on 8/8/2018 (Kelson, Lise). (Entered: 08/08/2018)
09/07/2018	<a href="#">28</a>	ANSWER to <a href="#">26</a> Amended Complaint by All Defendants. (Powell, Amy) (Entered: 09/07/2018)
09/21/2018	<a href="#">29</a>	STATUS REPORT <i>filed jointly by the parties</i> by Douglas Cox (Cox, Douglas) (Entered: 09/21/2018)
09/24/2018		STATUS REPORT ORDER: the parties shall file, by October 19, 2018, a joint status report with a proposed schedule for dispositive motions. Ordered by Chief Mag. Judge Roanne L. Mann on 9/24/2018. (Proujansky, Josh) (Entered: 09/24/2018)
10/19/2018	<a href="#">30</a>	STATUS REPORT , <i>jointly filed</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence (Powell, Amy) (Entered: 10/19/2018)
10/22/2018		ORDER, This Court is without authority to waive Judge Mauskopf's requirement that a motion for summary judgment be preceded by a request for a pre-motion conference. Therefore, absent a contrary order from Judge Mauskopf, defendants' request for a pre-motion conference before the District Court is due by November 7, 2018. Ordered by Chief Mag. Judge Roanne L. Mann on 10/22/2018. (Kelson, Lise) (Entered: 10/22/2018)
11/07/2018	<a href="#">31</a>	MOTION for pre motion conference by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Powell, Amy) (Entered: 11/07/2018)
11/08/2018		ORDER: By November 22, 2018, plaintiff shall file a letter with the Court, not to exceed three pages, setting forth the legal and factual bases on which plaintiff intends to rely to oppose defendants' proposed motion for summary judgment. Upon receipt of this filing, the Court will further advise the parties as to whether a pre-motion conference is required. Ordered by Judge Roslynn R. Mauskopf on 11/8/2018. (Pettig, Bruce) (Entered: 11/08/2018)
11/12/2018	<a href="#">32</a>	RESPONSE to Motion re <a href="#">31</a> MOTION for pre motion conference filed by Douglas Cox. (Cox, Douglas) (Entered: 11/12/2018)
12/26/2018	<a href="#">33</a>	Consent MOTION to Stay <i>Pre-Motion Conference and/or Briefing</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Powell, Amy) (Entered: 12/26/2018)
01/04/2019		ORDER re: <a href="#">31</a> Motion for Pre Motion Conference; granting <a href="#">33</a> Motion to Stay: The Court's grants the government's request to stay any pre-motion conference and briefing schedule during the lapse in appropriations. Counsel for the government shall notify the Court as soon as Congress has appropriated all necessary funds, and shall also confer with plaintiff's counsel to propose a new briefing schedule for any motions. Ordered by Judge Roslynn R. Mauskopf on 1/4/2019. (Mauskopf, Roslynn) (Entered: 01/04/2019)
01/28/2019	<a href="#">34</a>	NOTICE by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence <i>of Restoration of Appropriations</i> (Powell, Amy) (Entered: 01/28/2019)
02/01/2019	<a href="#">35</a>	STATUS REPORT <i>Proposing New Briefing Schedule</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence (Powell, Amy) (Entered: 02/01/2019)
03/15/2019	<a href="#">36</a>	Consent MOTION for Extension of Time to File <i>For Summary Judgment, and to Set a Briefing Schedule</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Powell, Amy) (Entered: 03/15/2019)

03/21/2019		ORDER granting <a href="#">36</a> Motion for Extension of Time to File. The parties' joint proposed schedule is so-ordered. Ordered by Chief Mag. Judge Roanne L. Mann on 3/21/2019. (Kelson, Lise) (Entered: 03/21/2019)
04/16/2019	<a href="#">37</a>	Consent MOTION for Leave to File Excess Pages <i>in Support of Dispositive Motion</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Powell, Amy) (Entered: 04/16/2019)
04/17/2019		ORDER: Defendants' motion for leave to file excess pages, on consent ( <a href="#">37</a> ), is granted. Ordered by Judge Roslynn R. Mauskopf on 4/17/2019. (Pettig, Bruce) (Entered: 04/17/2019)
04/19/2019	<a href="#">38</a>	MOTION for Summary Judgment <i>and to Dismiss</i> by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Declaration of Antoinette B. Shiner (CIA), # <a href="#">3</a> Declaration of Vanessa R. Brinkmann (DOJ), # <a href="#">4</a> Declaration of David M. Hardy (FBI), # <a href="#">5</a> Declaration of Deirdre Walsh (ODNI), # <a href="#">6</a> Declaration of Mark H. Herrington (DOD), # <a href="#">7</a> Declaration of Eric F. Stein (State), # <a href="#">8</a> Exhibit 7 - January 16 2015 Letter from Sen. Feinstein, # <a href="#">9</a> Rule 56.1 Statement) (Powell, Amy) (Entered: 04/19/2019)
04/19/2019	<a href="#">39</a>	NOTICE by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence <i>NOTICE TO PRO SE LITIGANT, IN ACCORDANCE WITH LOCAL RULE 56.2</i> (Powell, Amy) (Entered: 04/19/2019)
06/04/2019	<a href="#">40</a>	Letter MOTION for Sanctions <i>for Preservation Violation</i> by Douglas Cox. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E) (Cox, Douglas) (Entered: 06/04/2019)
06/05/2019		ELECTRONIC SCHEDULING ORDER re <a href="#">40</a> Letter MOTION for Sanctions <i>for Preservation Violation</i> filed by Douglas Cox. This Court construes plaintiff's motion as a discovery motion within this Court's pretrial jurisdiction. Defendant Department of Defense must file its response by June 11, 2019. However, to the extent plaintiff ultimately requests spoliation sanctions, such a request is inextricably intertwined with the merits of the action and the pending summary judgment motion, and should be addressed to the District Judge in the first instance. Ordered by Chief Mag. Judge Roanne L. Mann on 6/5/2019. (Proujansky, Josh) Modified on 6/5/2019 (Proujansky, Josh). (Entered: 06/05/2019)
06/07/2019	<a href="#">41</a>	Consent MOTION for Extension of Time to File Response/Reply as to <a href="#">40</a> Letter MOTION for Sanctions <i>for Preservation Violation</i> , Scheduling Order,, by Department of Defense, Department of Justice, Department of State of the United States, Federal Bureau of Investigation (FBI), Office of the Director of National Intelligence. (Powell, Amy) (Entered: 06/07/2019)
06/07/2019		ELECTRONIC ORDER granting, on consent, <a href="#">41</a> Motion for Extension of Time to File. Defendants' response to <a href="#">40</a> Letter MOTION for Sanctions must be filed by June 14, 2019. Ordered by Chief Mag. Judge Roanne L. Mann on 6/7/2019. (Proujansky, Josh) Modified on 6/7/2019 (Proujansky, Josh). (Entered: 06/07/2019)
06/14/2019	<a href="#">42</a>	MEMORANDUM in Opposition re <a href="#">40</a> Letter MOTION for Sanctions <i>for Preservation Violation</i> filed by All Defendants. (Attachments: # <a href="#">1</a> Declaration of Mark H. Herrington (2nd)) (Powell, Amy) (Entered: 06/14/2019)
06/18/2019	<a href="#">43</a>	Consent MOTION for Extension of Time to File Response/Reply as to <a href="#">38</a> MOTION for Summary Judgment <i>and to Dismiss and to Revise the Briefing Schedule</i> by Douglas Cox. (Cox, Douglas) (Entered: 06/18/2019)
06/19/2019		ORDER: Plaintiff's motion for an extension of time, on consent ( <a href="#">43</a> ), is granted, subject to the following modification. The parties' initial proposed briefing schedule ( <a href="#">36</a> ) did not comport with this Court's Individual Rule III.B.5, which requires that no motion papers be filed until the motion has been fully briefed. Accordingly, the filing at <a href="#">38</a> is hereby terminated, and the parties are directed to adhere to the following schedule: by July 12, 2019, plaintiff shall serve but not file his opposition and any cross-motions; by August 20, 2019, defendants shall serve but not file their reply and opposition, if any; and by September 20, 2019, plaintiff shall serve his reply, if any, and file the fully briefed motion or motions on the docket. Ordered by Judge Roslynn R. Mauskopf on 6/19/2019. (Pettig, Bruce) (Entered: 06/19/2019)
06/21/2019	<a href="#">44</a>	MOTION for Leave to File Document <i>as a Reply to Defendants June 14, 2019, Opposition [Dkt. 42]</i> by Douglas Cox. (Cox, Douglas) (Entered: 06/21/2019)



06/21/2019		ELECTRONIC ORDER: Application <a href="#">44</a> granted, without objection. Ordered by Chief Mag. Judge Roanne L. Mann on 6/21/2019. (Cardenas, Alex) (Entered: 06/21/2019)
06/24/2019	<a href="#">45</a>	REPLY in Support re <a href="#">40</a> Letter MOTION for Sanctions <i>for Preservation Violation</i> filed by Douglas Cox. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B) (Cox, Douglas) (Entered: 06/24/2019)
07/03/2019	<a href="#">46</a>	NOTICE of Change of Address (Powell, Amy) (Entered: 07/03/2019)
07/08/2019	<a href="#">47</a>	MEMORANDUM AND ORDER: Terminating Motion for Sanctions <a href="#">40</a> as moot. <u>See</u> attached for further discussion. Ordered by Chief Magistrate Judge Roanne L. Mann on 7/8/2019. (Cardenas, Alex) (Entered: 07/08/2019)
07/09/2019	<a href="#">48</a>	Consent MOTION for Leave to File Excess Pages <i>for Plaintiff's Opposition to Defendants' Motion to Dismiss and Motion for Summary Judgment</i> by Douglas Cox. (Cox, Douglas) (Entered: 07/09/2019)
07/10/2019		ORDER: Plaintiff's request for leave to file excess pages, on consent ( <a href="#">48</a> ), is granted. Plaintiff's opposition memorandum shall not exceed 40 pages in length. Ordered by Judge Roslynn R. Mauskopf on 7/10/2019. (Pettig, Bruce) (Entered: 07/10/2019)